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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

STEVEN ALLEN BROWN,

Petitioner,

v.

RONALD DAVIS, Warden of California State  
Prison at San Quentin,

Respondent.

Case No. 1:19-cv-01796-DAD

DEATH PENALTY CASE

ORDER VACATING JUNE 1, 2020 CASE  
MANAGEMENT CONFERENCE

ORDER PROVIDING FURTHER  
SCHEDULING

On December 23, 2019, petitioner Steven Allen Brown, a state prisoner facing capital punishment, began this action pursuant to 28 U.S.C. § 2254.

On January 9, 2020, California Deputy Attorney General Charity Whitney noticed her appearance as counsel of record for respondent.

On January 30, 2020, the court adopted the recommendation of the Selection Board and appointed attorneys Sara Cohbra and John Mills to represent petitioner.<sup>1</sup>

On February 4, 2020, the court set the initial case management conference for June 1, 2020, and directed counsel to meet and confer regarding initial case scheduling and file a joint

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<sup>1</sup> The order docketed on January 31, 2020. (Doc. No. 8.)

statement thereon by not later than May 25, 2020.

On May 22, 2020, the parties filed their joint statement.

The court, having reviewed the record including the joint statement finds good cause to vacate the case management conference and provide further scheduling.

Accordingly,

1. The June 1, 2020 case management conference is vacated.
2. Petitioner shall file any motion for equitable tolling by not later than June 12, 2020. Respondent's response shall be filed within thirty (30) days of the filed date of the motion. Petitioner's reply shall be filed within fourteen (14) days of the filed date of the response. Thereupon, the matter shall be deemed submitted pending further order or any court ordered hearing.<sup>2</sup>
3. By July 31, 2020, respondent shall file a Notice of Lodging and electronically lodge with the court the state court record as specified below.
  - a. The lodged record shall meet the following requirements:
    - (i) It shall contain (a) transcripts of the state trial court proceedings; (b) appellant's and respondent's briefs on direct appeal to the California Supreme Court, and the opinion or orders of that Court; and (c) petitioner's and respondent's briefs in any state court habeas corpus proceedings, and all opinions, orders and transcripts of such proceedings.
    - (ii) The entire record shall be Bate-stamped. Bate-stamp numbering shall be in the format AG00001, AG00002, etc. to distinguish it from other numbering systems in the record.
    - (iii) The entire record shall be scanned.

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<sup>2</sup> See Standing Order in Light of Ongoing Judicial Emergency in the Eastern District of California (Doc. No. 12), and General Orders in the Eastern District of California regarding COVID-19 Emergency available at: <http://www.caed.circ9.dcn/index.cfm/iCAED/coronavirus-covid-19-guidance/>

- (iv) The entire record shall be converted to an optical character recognition (OCR) format.
- (v) State sealed documents shall be lodged in paper form.
- b. The Notice of Lodging shall be filed on the court's electronic filing system. Each item of the state court record shall be lodged as an attachment to the Notice of Lodging. For each separate attachment, the Notice of Lodging shall identify the attachment number, the Bate-stamp numbers, and the name of that part of the record, including its internal pagination, if any. The identical identifying information shall also be included as the docket title of each electronically lodged attachment to the Notice of Lodging. To the extent possible, each separate paper volume of the state court record shall be lodged as one attachment.
- c. The state court record need not also be lodged on CDs, and courtesy copies on CD are not required.
4. Counsel for petitioner shall promptly complete an initial Criminal Justice Act, 18 U.S.C. § 3006A budget and submit it *ex parte* to the court through eVoucher.<sup>3</sup> The court-authorized funding will be submitted to and reviewed by the Ninth Circuit's Capital Case Committee. The Capital Case Committee will then make a recommendation to the Judicial Council of the Ninth Circuit.
5. The court will provide further scheduling and set any necessary case management conference after the petition is filed.

IT IS SO ORDERED.

Dated: May 24, 2020

  
UNITED STATES DISTRICT JUDGE

<sup>3</sup> Counsel for petitioner shall work with Ninth Circuit Case Managing Attorney Jennifer Naegele (email: jnaegele@ce9.uscourts.gov; phone (415) 355-8986)) to prepare the budget and receive instructions for using eVoucher.